

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

STEVE HANEY, Plaintiff, vs. AMERICAN FAMILY MUTUAL INSURANCE COMPANY, Defendant.	CIV. 16-4113 PARTIES' JOINT MOTION FOR ENTRY OF FIRST AMENDED RULE 16 SCHEDULING ORDER
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COMES NOW Plaintiff Steve Haney and Defendant American Family Mutual Insurance Company (hereinafter, collectively, the "Parties"), for good cause, jointly move the Court to enter a First Amended Rule 16 Scheduling Order, a proposed copy of which is attached hereto as Exhibit A. In support of the instant Motion, the Parties state as follows:

1. On January 18, 2017, the Court entered its Rule 16 Scheduling Order ("Scheduling Order") (Dkt. 20).

2. The Scheduling Order required that "all discovery, including expert discovery, shall be commenced in time to be completed by June 1, 2017." The Scheduling Order further set the case for trial commencing on October 24, 2017.

3. Shortly after the Court's entry of the Scheduling Order, the Parties agreed to participate in a mediation of Plaintiff's claims in hopes of reaching an early settlement of the claims. Although the Parties agreed to exchange some documents prior to the mediation, the Parties agreed to postpone commencing the majority of discovery until after the mediation occurred.

4. On February 23, 2017, the Parties' scheduled mediation took place. Unfortunately, the Parties were unable to resolve their dispute.

5. Following the mediation, the parties began working collaboratively to determine whether they will be able to meet the current deadlines for discovery set forth in the Scheduling Order and will be adequately prepared for trial in October of 2017.

6. The Parties believe that certain extensions of the current deadlines related to discovery and the filing of dispositive motions are needed to ensure that the parties have adequate time to complete the discovery process and to participate in additional alternative dispute resolution, if appropriate. Accordingly, the Parties have jointly prepared the attached Proposed First Amended Rule 16 Scheduling Order, which extends the current deadlines by approximately sixty (60) days. In addition, the Parties jointly request that, if possible, the trial of this matter commence during the last week of February, as one of the counsel for American Family Mutual Insurance Company currently has another trial scheduled to commence in Missouri on January 29, 2018. As set forth more fully in the Proposed First Amended Scheduling Order, the Parties respectfully request that the Court modify certain deadlines in the following manner:

Event	Original Deadline	Proposed Amended Deadline
Plaintiff's Expert Report	April 17, 2017	June 16, 2017
Defendant's Expert Report	May 17, 2017	July 14, 2017
Close of Discovery	June 1, 2017	August 1, 2017
Deadline for Motions, Other Than Motions in Limine	July 7, 2017	September 8, 2017
Deadline for Filing Answering Materials to Motions	July 28, 2017	September 29, 2017
Deadline for Filing Reply Briefs	August 11, 2017	October 13, 2017
Pre-trial Conference	September 25, 2017	December 8, 2017
Commencement of Trial	October 24, 2017	February 26, 2018

WHEREFORE, the Parties respectfully request that the Court enter a First Amended Scheduling Order consistent with proposed Order attached hereto as Exhibit A.

DATED: March 30th, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically through the Clerk of Court through ECF and that ECF will send a notice of electronic filing to the following:

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on this 30th day of March, 2017.

/s/ Steven J. Morgans